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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,144	12/20/2001	Patrice Roussel	10559-644001 / P12488	3547

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EXAMINER	
MEONSKE, TONIA L	

ART UNIT	PAPER NUMBER
2183	

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/032,144	ROUSSEL, PATRICE	
	Examiner	Art Unit	
	Tonia L Meonske	2183	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 October 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-58 and 73-82* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-58 and 73-82* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 June 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, 9, 19, and 73 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sidwell et al., European Patent Application EP 0 743 594 A1, cited on the information disclosure statement filed on June 9, 2003.

3. The rejections to claims 1, 5, 9, and 19 are respectfully maintained and incorporated by reference as set forth in the last office action, mailed on June 23, 2004.

4. Referring to claim 73, Sidwell et al. have taught a processor comprising:

a. a source register (Figure 6, element 104, SRC1);

b. a destination register (Figure 6, element 112, RESULT); and

c. logic to load a first portion of bits of the source register into a first portion of the destination register and duplicate the first portion of bits in a subsequent portion of the destination register (page 5, line 44-page 6, line 14).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2-4, 6-8, 10-18, 20-58, and 74-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sidwell et al., European Patent Application EP 0 743 594 A1, cited on the information disclosure statement filed on June 9, 2003.

7. The rejections to claims 2-4, 6-8, 10-18, and 20-58 are respectfully maintained and incorporated by reference as set forth in the last office action, mailed on June 23, 2004.

8. Claims 74, 75, 76, 78, 79 80, 81, and 82 do not recite limitations above the claimed invention set forth in claims 2, 2, 8, 14, 15, 16, 17, and 18, respectively, and are therefore rejected for the same reasons set forth in the rejection of claims 2, 2, 8, 14, 15, 16, 17, and 18 above.

9. Claim 77 does not recite limitations above the claimed invention set forth in claims 13 and 73 and is therefore rejected for the same reasons set forth in the rejection of claims 13 and 73 above.

Response to Arguments

10. Applicant's arguments filed October 15, 2004 have been fully considered but they are not persuasive.

11. On pages 12 and 13, Applicant argues in essence:

> *"Claim 1 recites "load first portion of bits of source into a first portion of a destination register and duplicate that first portion of bits in a subsequent portion of a destination register." Sidwell does not disclose or suggest this claimed feature. Sidwell does not duplicate a first portion of bits in a destination register to subsequent portion of the same destination register. On the contrary, Sidwell does not manipulate the bits in the destination register in any fashion. Sidwell merely manipulates various portions of a source register in multiplexers for placement into a destination register. Once placed in the destination register, Sidwell is done. .. Sidwell discloses: The byte replicate unit thus takes the least significant object (8, 16, or 32 bits) of the source operand and replicates it 8, 4, or 2 times, to produce the packed 64 bit result in the output buffer112. (Page 6,*

paragraph 1) This is quite different from applicants claimed feature in which bits in the destination register are duplicated for placement into the same destination register."

Applicant is arguing a feature of the invention not specifically stated in the claim language, which is improper. Claimed subject matter, not the specification, is the measure of invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art. In re Self, 213 USPQ 1,5(CCPA 1982); In re Priest, 199 USPQ 11,15 (CCPA 1978).

"It is the claims that measure the invention." SRI Int'l v. Matshshita Elec. Corp., 775 F.2d 1107, 1121, 227 USPQ 577, 585 (Fed. Cir. 1985) (en banc).

"The invention disclosed in Hiniker's written description may be outstanding in its field, but the name of the game is the claim." In re Hiniker Co., 47 USPQ2d 1523, 1529 (Fed. Cir. 1998).

"[A]s an initial matter, the PTO applies to the verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in the applicant's specification." In re Morris, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997).

"limitations appearing in the specification will not be read into the claims, and ... interpreting what is meant by a word in a claim 'is not to be confused with adding an extraneous limitation appearing in the specification, which is improper'." Intervet Am., v. Kee-Vet Labs., 12 USPQ2d 1474, 1476 (Fed. Cir. 1989)(citation omitted).

"it is entirely proper to use the specification to interpret what the patentee meant by a word or phrase in the claim, ... this is not to be confused with adding an extraneous limitation appearing in the specification, which is improper. By 'extraneous,' we mean a limitation read into a claim from the specification wholly apart from any need to interpret ...particular words or phrases in the claim." In re Paulsen, 31 USPQ2d 1671, 1674 (Fed. Cir. 1994) (citation omitted).

In this case, without adding extraneous limitations from the specification, Sidwell has in fact taught to "load first portion of bits of source (Figure 6, S[0], page 5, lines 50-54) into a first portion of a destination register (Figure 6, element R[0], page 5, line 44-page 6, line 14) and duplicate that first portion of bits in a subsequent portion of a destination

register (Figure 6, element R[4], page 5, line 44-page 6, line 14)." Therefore this argument is moot.

12. On pages 13 and 14, Applicant argues in essence:

"Claim 13 recites "to load 64-bits of a source and return the 64-bits in a lower half of a destination and a upper half of a destination." At least this quoted claim feature is totally absent from Sidwell. Sidwell teaches combining bits from a source register with output from multiplexors to write an output into a destination register. This does not teach or suggest loading 64-bits of a source and returning 64-bits in a lower half of a destination and an upper half of a destination. One would no lead to Sidwell to provide this quoted feature because Sidwell provides no duplication whatsoever."

Applicant is correct in that Sidwell has not specifically taught that the number of loaded bits is 64, as this limitation is cited as being obvious over Sidwell. Specifically, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the number of bits in Sidwell be any number of bits, including 64-bits, since it has been held that a change in size is not a patentable difference, see in re Rose, 220 F.2d 459, 463, 105 USPQ 237, 240 (CCPA 1955). Furthermore, Sidwell has in fact taught byte duplication. In the byte replicate instruction of Sidwell, bytes are replicated, or duplicated, either 8, 4, or 2 times to produce the result (page 5, line 44-page 6, line 14). In the illustrated example in Figure 6, byte S[0] is placed in both elements R[0] and R[4], thereby effectively duplicating byte S[0]. Therefore this argument is moot.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

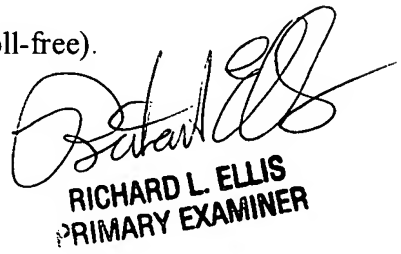
14. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tonia L Meonske whose telephone number is (571) 272-4170. The examiner can normally be reached on Monday-Friday, 8-4:30.

16. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie P Chan can be reached on (571) 272-4162. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

17. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



tlm